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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LINDSEY BETHEA, individually and on  
behalf of all others similarly situated,

*Plaintiff,*

v.

INFINITY ENERGY INC., a California  
corporation, and SOLAR QUOTE INC., a  
Delaware registered corporation,

*Defendants.*

Case No.

**CLASS ACTION COMPLAINT**

**DEMAND FOR JURY TRIAL**

**CLASS ACTION COMPLAINT**

Plaintiff Lindsey Bethea (“Plaintiff Bethea” or “Bethea”) brings this Class Action Complaint and Demand for Jury Trial against Defendant Infinity Energy Inc (“Defendant Infinity Energy” or “Infinity Energy”) and Defendant Solar Quote Inc. (“Defendant Solar Quote” or “Solar Quote”) to stop the Defendants from violating the Telephone Consumer Protection Act by making telemarketing calls and text messages *without consent* to consumers who registered their phone numbers on the National Do Not Call registry (“DNC). Plaintiff also seeks injunctive and monetary relief for all persons injured by Defendants’ conduct. Plaintiff Bethea, for this Complaint, alleges as follows upon personal knowledge as to herself and her own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by her attorneys.

**PARTIES**



1           8.       A listing on the Registry “must be honored indefinitely, or until the registration is  
2 cancelled by the consumer or the telephone number is removed by the database administrator.”  
3 *Id.*

4           9.       When Congress enacted the TCPA in 1991, it found that telemarketers called  
5 more than 18 million Americans every day. 105 Stat. 2394 at § 2(3).

6           10.      By 2003, due to more powerful autodialing technology, telemarketers were  
7 calling 104 million Americans every day. In re Rules and Regulations Implementing the TCPA  
8 of 1991, 18 FCC Rcd. 14014, ¶¶ 2, 8 (2003).

9           11.      The problems Congress identified when it enacted the TCPA have only grown  
10 exponentially in recent years.

11          12.      According to online robocall tracking service “YouMail,” 4.6 billion robocalls  
12 were placed in October 2022 alone, at a rate of 147.5 million per day. [www.robocallindex.com](http://www.robocallindex.com)  
13 (last visited November 20, 2022).

14          13.      The FCC also has received an increasing number of complaints about unwanted  
15 calls, with 150,000 complaints in 2016, 185,000 complaints in 2017, and 232,000 complaints in  
16 2018. FCC, Consumer Complaint Data Center, [www.fcc.gov/consumer-help-center-data](http://www.fcc.gov/consumer-help-center-data).

17          14.      “Robocalls and telemarketing calls are currently the number one source of  
18 consumer complaints at the FCC.” Tom Wheeler, *Cutting off Robocalls* (July 22, 2016),  
19 statement of FCC chairman.<sup>1</sup>

20          15.      “The FTC receives more complains about unwanted calls than all other  
21 complaints combined.” Staff of the Federal Trade Commission’s Bureau of Consumer  
22 Protection, *In re Rules and Regulations Implementing the Telephone Consumer Protection Act of*  
23 *1991*, Notice of Proposed Rulemaking, CG Docket No. 02-278, at 2 (2016).<sup>2</sup>

24  
25 <sup>1</sup> <https://www.fcc.gov/news-events/blog/2016/07/22/cutting-robocalls>

26 <sup>2</sup> [https://www.ftc.gov/system/files/documents/advocacy\\_documents/comment-staff-ftc-bureau-](https://www.ftc.gov/system/files/documents/advocacy_documents/comment-staff-ftc-bureau-consumer-protection-federal-communications-commission-rules-regulations/160616robocallscomment.pdf)  
27 [consumer-protection-federal-communications-commission-rules-](https://www.ftc.gov/system/files/documents/advocacy_documents/comment-staff-ftc-bureau-consumer-protection-federal-communications-commission-rules-regulations/160616robocallscomment.pdf)  
[regulations/160616robocallscomment.pdf](https://www.ftc.gov/system/files/documents/advocacy_documents/comment-staff-ftc-bureau-consumer-protection-federal-communications-commission-rules-regulations/160616robocallscomment.pdf)

**COMMON ALLEGATIONS**

16. Defendant Infinity Energy provides solar energy installation solutions to consumers.<sup>3</sup>

17. Solar Quote finds customers for solar companies through various marketing efforts including telemarketing.<sup>4</sup>

18. Upon information and belief, Solar Quote was created by Infinity Energy in order to shield Infinity Energy from its lead generation telemarketing practices. By using the name Solar Quote, Infinity Energy seeks to avoid liability for potential illegal telemarketing that it may employ in order to generate new business for Infinity Energy.

19. Infinity Energy has a history of unlawful telemarketing allegations and has been sued twice already for alleged TCPA violations.<sup>5</sup>

20. Upon information and belief, Solar Quote and Infinity Energy are one and the same. LinkedIn shows that Defendant Solar Quote has only two employees<sup>6</sup>, Justin Brach, CEO of Solar Quote and Renee Surratt, VP of Marketing at Solar Quote, both of whom were previously employed by Infinity Energy:

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<sup>3</sup> <https://www.linkedin.com/company/infinity-energy-inc/about/>

<sup>4</sup> <https://www.solarquote.com/>

<sup>5</sup> See Rogers v. Infinite Energy 20-cv-2194 and Cross v. Infinite Energy 16-cv-02527

<sup>6</sup> <https://www.linkedin.com/company/solarquote/about/>



**Justin Brach**

CEO of SolarQuote.com & Subcontractorhub.com Have built sales orgs that have sold over a billion dollars in solar, energy stora...



**Chief Executive Officer**

Solar Quote · Full-time

Oct 2021 - Present · 1 yr 2 mos

Dallas, Texas, United States

SolarQuote.com is a direct-to-consumer solar platform providing an easy and transparent process for purchasing solar and energy storage online.



**Which way is right for you?**

Have questions about getting solar for your home? Chat directly with one of our knowledgeable representatives via our online chat. They will answer any questions y...



**Chief Executive Officer**

SubcontractorHub · Full-time

Aug 2021 - Present · 1 yr 4 mos

Park City, Utah, United States

Sales enablement software bringing roofing, solar and HVAC together with one seamless tool.  
www.subcontractorhub.com



**Infinity Energy INC**

2 yrs 5 mos



**Chief Business Development Officer**

Feb 2021 - Jan 2022 · 1 yr



**Executive Vice President**

Sep 2019 - Feb 2021 · 1 yr 6 mos

Rocklin, California



**Renee Surratt (She/Her)**

VP of Marketing at Solar Quote Inc.

**Experience**



**VP of Marketing**

Solar Quote · Full-time

Dec 2021 - Present · 1 yr



**VP of Marketing**

AppointmentCore · Full-time

Dec 2021 - Aug 2022 · 9 mos



**Digital Marketing Manager**

Infinity Energy INC · Full-time

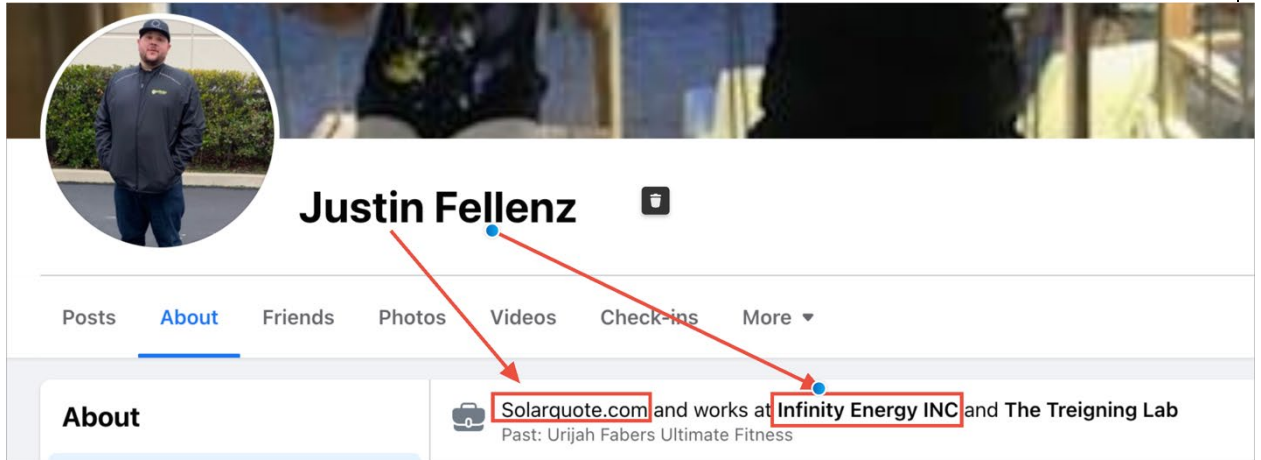
Oct 2019 - Dec 2021 · 2 yrs 3 mos

Rocklin, California, United States

<sup>7</sup> <https://www.linkedin.com/in/justin-brach-810b2514/>

<sup>8</sup> <https://www.linkedin.com/in/renee-surratt-b73a06aa/>

21. In addition to the above, Justin Fellenz shows on his Facebook page that he works at Solar Quote and at Infinity Energy simultaneously. In addition, he wrote a post promoting hiring of Solar Quote and posted a text message where he represents he works for Infinity Energy.<sup>9</sup>



Justin Fellenz

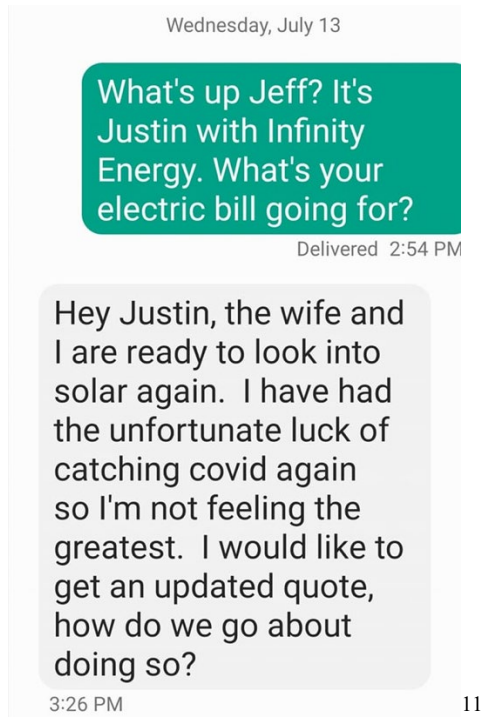
August 2 · 🌐

[Solarquote.com](https://www.facebook.com/justin.fellenz/about_overview) is now hiring a limited amount of reps to start immediately!!!!!!!

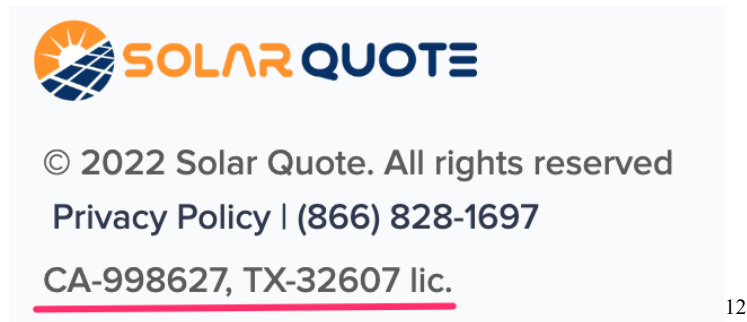
Its been 2 years to the week since I've started in the solar industry....since then I've drastically changed my life I've made over 200k, won all types of prizes and trips out of the country all from over the phone never having to knock one door. Now while I definitely have skills selling solar over the phone I'm certain I'm even better at teaching people how to sell solar. If you're searching for an opportunity to make over 100k from home( or wherever) please Dm me or comment...or share to your network 10

<sup>9</sup> [https://www.facebook.com/justin.fellenz/about\\_overview](https://www.facebook.com/justin.fellenz/about_overview)

<sup>10</sup> <https://www.facebook.com/justin.fellenz/>

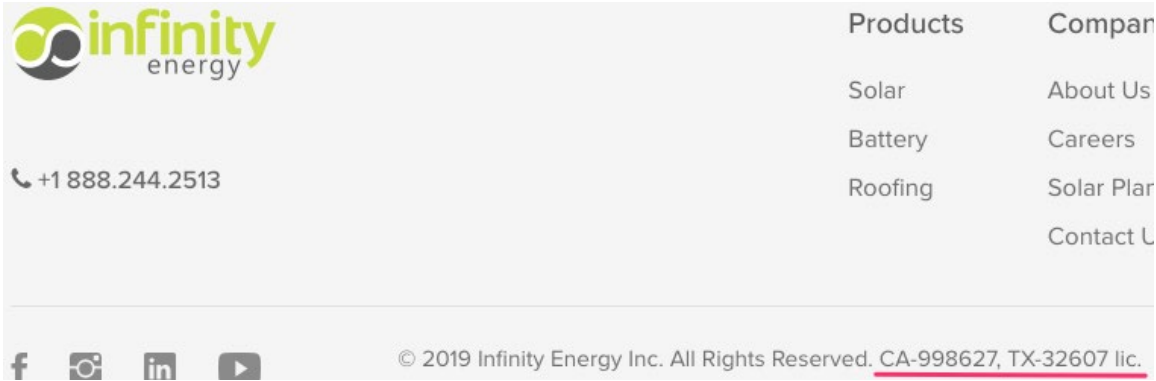


22. As of November 20, 2022, the website SolarQuote.com shows that Solar Quote is licensed to sell solar in California and Texas. The license numbers identified by Solar Quote on SolarQuote.com are the same license numbers identified on Infinite Energy's website InfiniteEnergy.com.



<sup>11</sup> Id.

<sup>12</sup> <https://www.solarquote.com/>



In fact, the license numbers CA-998627 and TX-32607 are both licensed to Infinity Energy, Inc.<sup>14 15</sup>

23. Solar Quote LLC operates a branch office in Rocklin, California:

**SOLAR QUOTE LLC** **BRANCH**

**Company Number** 202107810584

**Status** Canceled

**Incorporation Date** 5 March 2021 (over 1 year ago)

**Jurisdiction** California (US)

**Branch** Branch of [SOLAR QUOTE LLC](#) (Delaware (US))

**Registered Address** 3825 ATHERTON ROAD  
ROCKLIN  
95765  
United States

**Inactive Directors / Officers** [BRYSON SOLOMON](#)  
[ELGUINDY, MEYER & KOEGEL, APC](#), agent  
[JON LAPRAY](#)

**Registry Page** <https://bizfileonline.sos.ca.gov/sear...>

16

24. Plaintiff Bethea registered her cell phone number on the DNC on January 23, 2021.

<sup>13</sup> <https://infinityenergy.com/>

<sup>14</sup> <https://www.cslb.ca.gov/onlineservices/checklicenseII/LicenseDetail.aspx?LicNum=998627>

<sup>15</sup> <https://www.tdlr.texas.gov/LicenseSearch/SearchResultDetail.asp?1=EECELE00032607>

<sup>16</sup> [https://opencorporates.com/companies/us\\_ca/202107810584](https://opencorporates.com/companies/us_ca/202107810584)



26. On August 30, 2022 at 4:39 PM, Plaintiff Bethea received an unsolicited text message from Solar Quote to her cell phone, from 214-833-0627:

Aug 30, 4:39 PM

Conversation with (214) 833-0627

Thank you for your interest in renewable energy for your home. We are excited to see if your home qualifies and get you a personalized quote to fit your needs. Would you prefer a call or to text? Text STOP to opt out of SMS.

27. On September 30, 2022 at 12:32 PM, Plaintiff Bethea received a 2<sup>nd</sup> unsolicited text message to her cell phone from Solar Quote, from 214-833-0627:

Sep 30, 12:32 PM

Eric, our manufacturer is now offering a \$1,000 rebate to anyone who goes solar this month. Text REBATE to learn more.

Text STOP to be removed from further communications.

28. The aforementioned text message is addressed to “Eric.” Plaintiff Bethea does not know who Eric is. Plaintiff maintains exclusive control and use of her phone and has never authorized it to be used by someone named Eric.

1           29.     On November 16, 2022 at 2:25 PM, Plaintiff Bethea received a 3<sup>rd</sup> unsolicited text  
2 message to her cell phone from Solar Quote, from 214-833-0627:

3  
4                               2 days ago, 2:25 PM

5                               Go Solar before Thanksgiving and  
6 you can receive up to 30% off your  
7 solar installation. You don't have to  
8 get trampled this season to receive  
9 savings. Reply SALE to learn more.

10                              TXT STOP, to stop receiving  
11 messages.

12           30.     On November 18, 2022 at 12:49 PM, Plaintiff Bethea received a 4<sup>th</sup> unsolicited  
13 text message to her cell phone from Solar Quote, from 214-833-0627:

14                              0 minutes ago, 12:49 PM

15  
16                              Are you still waiting for the best solar  
17 quote ? We are offering the lowest  
18 prices of the year, while supplies  
19 last. Book a meeting with our  
20 representatives between now and  
21 Thanksgiving to receive up to 30% off  
22 your solar project.  
23 Book Here: [https://go](https://go.appointmentcore.com/book/sjBrdD)  
24 [.appointmentcore.com/book/sjBrdD](https://go.appointmentcore.com/book/sjBrdD)  
25 TXT STOP to stop receiving  
26 messages

27           31.     Visiting the URL that was provided in the November 18<sup>th</sup> text message leads to a  
28 website that identifies the company name Solar Quote:

**SOLAR QUOTE**

**Initial Consultation with Solar Quote**

**Select an Appointment Time**  
Pick a suitable date and time to book a meeting

NOV 2022

Nov 21, 2022 2:05 PM EST

15 minutes

Pick a Meeting Time: Compact Month Vi...

11:15 AM	11:50 AM	01:00 PM
01:35 PM	02:10 PM	02:45 PM
03:20 PM	03:55 PM	04:30 PM
05:05 PM	05:40 PM	06:15 PM
06:50 PM	07:25 PM	08:00 PM
08:35 PM	09:10 PM	09:45 PM
10:20 PM		

17

32. On November 21, 2022 at 3:53 PM, Plaintiff Bethea received a 5<sup>th</sup> unsolicited text message to her cell phone from Solar Quote, from 214-833-0627:

Yesterday, 3:53 PM

Are you still waiting for the best solar quote ? Only 3 days left to receive our End Of Year sale pricing on solar. Reply SALE to get your custom quote.  
TXT STOP to stop receiving messages

<sup>17</sup> <https://go.appointmentcore.com/book/sjBrdD>

33. Plaintiff Bethea was not looking to get a quote for a solar installation. In fact, Plaintiff does not own a property.

34. The unauthorized solicitation text messages that Plaintiff received from Solar Quote on behalf of Infinity Energy, as alleged herein, have harmed Plaintiff Bethea in the form of annoyance, nuisance, and invasion of privacy, and disturbed the use and enjoyment of her phone, in addition to the wear and tear on the phone's hardware (including the phone's battery) and the consumption of memory on the phone.

35. Seeking redress for these injuries, Plaintiff Bethea, on behalf of herself and Class of similarly situated individuals, bring suit under the TCPA.

#### CLASS ALLEGATIONS

36. Plaintiff Bethea brings this action pursuant to Federal Rules of Civil Procedure 23(b)(2) and 23(b)(3) and seek certification of the following Class:

**Do Not Call Registry Class:** All persons in the United States who from four years prior to the filing of this action through class certification (1) Defendants called on behalf of Defendant Infinity Energy more than one time, (2) within any 12-month period, (3) where the person's telephone number had been listed on the National Do Not Call Registry for at least thirty days, (4) for substantially the same reason Defendants called Plaintiff, and (5) for whom the Defendants claim (a) they obtained prior express written consent in the same manner as Defendants claim they supposedly obtained prior express written consent to call Plaintiff, or (b) they obtained the person's number in the same manner as Defendants obtained Plaintiff's number.

37. The following individuals are excluded from the Class: (1) any Judge or Magistrate presiding over this action and members of their families; (2) Defendants, their subsidiaries, parents, successors, predecessors, and any entity in which either Defendant or their parents have a controlling interest and their current or former employees, officers and directors; (3) Plaintiff's attorneys; (4) persons who properly execute and file a timely request for exclusion from the Class; (5) the legal representatives, successors or assigns of any such excluded persons; and (6) persons whose claims against the Defendants have been fully and finally adjudicated

1 and/or released. Plaintiff Bethea anticipates the need to amend the Class definitions following  
2 appropriate discovery.

3 38. **Numerosity:** On information and belief, there are hundreds, if not thousands of  
4 members of the Class such that joinder of all members is impracticable.

5 39. **Commonality and Predominance:** There are many questions of law and fact  
6 common to the claims of the Plaintiff and the Class, and those questions predominate over any  
7 questions that may affect individual members of the Class. Common questions for the Class  
8 include, but are not necessarily limited to the following:

- 9 (a) Whether Defendants' conduct violated the TCPA;  
10 (b) Whether Defendants placed multiple calls within a 12-month period to Plaintiff  
11 and other consumers whose telephone numbers were registered with the DNC for  
12 at least 30 days of the time of each call;  
13 (c) whether Defendant engaged in telemarketing without implementing adequate  
14 internal policies and procedures for maintaining an internal do not call list;  
15 (d) whether members of the Class are entitled to treble damages based on the  
16 willfulness of Defendants' conduct.

17 40. **Adequate Representation:** Plaintiff Bethea will fairly and adequately represent  
18 and protect the interests of the Class, and has retained counsel competent and experienced in  
19 class actions. Plaintiff Bethea has no interests antagonistic to those of the Class, and Defendants  
20 have no defenses unique to Plaintiff. Plaintiff Bethea and her counsel are committed to  
21 vigorously prosecuting this action on behalf of the members of the Class, and have the financial  
22 resources to do so. Neither Plaintiff Bethea nor her counsel have any interest adverse to the  
23 Class.

24 41. **Appropriateness:** This class action is also appropriate for certification because  
25 the Defendants have acted or refused to act on grounds generally applicable to the Class and as a  
26 whole, thereby requiring the Court's imposition of uniform relief to ensure compatible standards  
27

1 of conduct toward the members of the Class and making final class-wide injunctive relief  
2 appropriate. Defendants' business practices apply to and affect the members of the Class  
3 uniformly, and Plaintiff's challenge of those practices hinges on Defendants' conduct with  
4 respect to the Class as wholes, not on facts or law applicable only to Plaintiff Bethea.  
5 Additionally, the damages suffered by individual members of the Class will likely be small  
6 relative to the burden and expense of individual prosecution of the complex litigation  
7 necessitated by Defendants' actions. Thus, it would be virtually impossible for the members of  
8 the Class to obtain effective relief from Defendants' misconduct on an individual basis. A class  
9 action provides the benefits of single adjudication, economies of scale, and comprehensive  
10 supervision by a single court.

11  
12 **FIRST CLAIM FOR RELIEF**  
13 **Telephone Consumer Protection Act**  
14 **(Violation of 47 U.S.C. § 227)**

15 **(On Behalf of Plaintiff Bethea and the Do Not Registry Class)**

16 42. Plaintiff repeats and realleges the prior paragraphs of this Complaint and  
17 incorporates them by reference herein.

18 43. The TCPA's implementing regulation, 47 C.F.R. § 64.1200(c), provides that "[n]o  
19 person or entity shall initiate any telephone solicitation" to "[a] residential telephone subscriber  
20 who has registered her or her telephone number on the national do-not-call registry of persons  
21 who do not wish to receive telephone solicitations that is maintained by the federal government."

22 44. Any "person who has received more than one telephone call within any 12-month  
23 period by or on behalf of the same entity in violation of the regulations prescribed under this  
24 subsection may" may bring a private action based on a violation of said regulations, which were  
25 promulgated to protect telephone subscribers' privacy rights to avoid receiving telephone  
26 solicitations to which they object. 47 U.S.C. § 227(c).

27 45. Defendants violated 47 C.F.R. § 64.1200(c) by initiating, or causing to be  
28 initiated, telephone solicitations to telephone subscribers such as Plaintiff Bethea and the Do Not

1 Call Registry Class members who registered their respective telephone numbers on the National  
2 Do Not Call Registry, a listing of persons who do not wish to receive telephone solicitations that  
3 is maintained by the federal government.

4 46. Defendants violated 47 U.S.C. § 227(c)(5) because Plaintiff Bethea and the Do  
5 Not Call Registry Class received more than one telephone call in a 12-month period made by or  
6 on behalf of the Defendants in violation of 47 C.F.R. § 64.1200, as described above.

7 47. As a result of Defendants' conduct as alleged herein, Plaintiff Bethea and the Do  
8 Not Call Registry Class suffered actual damages and, under section 47 U.S.C. § 227(c), are  
9 entitled, inter alia, to receive up to \$500 in damages for such violations of 47 C.F.R. § 64.1200.

10 48. To the extent Defendants' misconduct is determined to be willful and knowing,  
11 the Court should, pursuant to 47 U.S.C. § 227(c)(5), treble the amount of statutory damages  
12 recoverable by the members of the Do Not Call Registry Class.

13  
14 **PRAYER FOR RELIEF**

15 **WHEREFORE**, Plaintiff Bethea individually and on behalf of the Class, prays for the  
16 following relief:

17 49. An order certifying this case as a class action on behalf of the Class as defined  
18 above; appointing Plaintiff Bethea as the representative of the Class; and appointing her  
19 attorneys as Class Counsel;

20 50. An award of actual and/or statutory damages and costs;

21 51. An award of attorney's fees;

22 52. An order declaring that Defendants' actions, as set out above, violate the TCPA;

23 53. An injunction requiring the Defendants to cease all unsolicited calling activity,  
24 and to otherwise protect the interests of the Class; and

25 54. Such further and other relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff Bethea requests a jury trial.

DATED this 19th day of January, 2023.

**LINDSEY BETHEA**, individually and on behalf of  
all others similarly situated,

By: /s/ Rachel E. Kaufman

Rachel E. Kaufman

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*Attorney for Plaintiff and the putative Class*